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August 17, 2022

VIA CM/ECF

The Honorable Jennifer L. Hall
United States District Court for the
District of Delaware
844 King Street
Wilmington, DE 19801

Re: ***Innovative Memory Solutions Inc. v. Micron Technology, Inc.***
(C.A. 14-1480-RGA)

Dear Judge Hall:

Pursuant to D. Del. LR 7.1.2(b), Micron Technology, Inc. (“Micron”) respectfully submits Judge Andrews’ August 15, 2022 memorandum opinion in *ClearDoc, Inc. d/b/a OpenReel v. RiversideFM, Inc.*, C.A. No. 21-1422-RGA (the “Memorandum Opinion”), attached hereto as Exhibit A, as subsequent authority in support of Micron’s Motion for Summary Judgment and Partial Summary Judgment (D.I. 289, 308, 327). The Memorandum Opinion supports Micron’s argument that the ’063 patent is invalid under Section 101. Micron first became aware of the Memorandum Opinion on August 17, 2022, after the hearing on Micron’s pending motion for summary judgment.

In the Memorandum Opinion, Judge Andrews addressed a claimed “feature” that combined local recording of video with livestreaming of video. In discussing this claimed feature, the Court noted the feature could be implemented in a number of ways, but recognized that “[i]t is the technical implementation [of the feature] that can be inventive. The feature itself is just an abstract idea.” The opinion concludes that the caselaw “does not allow” a patent on the feature, itself, as that “would preempt all implementation of the idea.” Mem. Op. at 8. Judge Andrews’ statement is applicable to the method in Claim 42 of the ’063 patent. As Micron argued in its motion for summary judgment, Claim 42 attempts to claim the abstract idea of converting write-many memory cells to write-once memory cells, without any limitation on how the conversion is performed. D.I. 289 at 5. This, according to Judge Andrews, preempts all implementations of



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the idea. Because, per Judge Andrews, the caselaw does not allow such claiming, the '063 patent is similarly invalid under Section 101.

Respectfully,

/s/ Frederick L. Cottrell, III

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Enclosure
CC: All Counsel of Record
FLC/tec